

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BRIAN R. CALLAHAN,

Petitioner,

- against -

13 CR 453 (ADS)

UNITED STATES OF AMERICA,

Respondent.

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UNITED STATES OF AMERICA,

- against -

BRIAN R. CALLAHAN and
ADAM J. MANSON,

13 CR 453 (ADS)

Defendants.

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NOTICE OF MOTIONS

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law and its Exhibits, the Petition of Brian Callahan and exhibits thereto filed in September 2018, and all other proceedings in this case, the following relief will be sought before the Honorable Arthur D. Spatt, United States District Judge, at the United States Courthouse, Federal Plaza, Central Islip, New York, on June 28, 2019, at 1:30 p.m., or on such other date as the Court may order, for the following relief:

(1) an order disqualifying the United States Attorney's Office from prosecuting either of these cases going forward in favor of another office to be appointed by the United States Department of Justice;

(2) recusal of Your Honor and reassignment of this case for reasons explained in *United States v. Wilson*, 920 F.3d 155 (2d Cir. 2019), and in Mr. Callahan's pending Petition;

(3) an order requiring the government to honor its plea agreement with Mr. Manson;

(4) permission to supplement Mr. Callahan's pending petition based principally on the government's disclosure in February 2019 of a detailed financial spreadsheet underlying its calculation of fraud loss, together with subsequent analysis of this spreadsheet completed a few weeks ago by the accounting firm Mazars USA and disclosed to the government;

(5) Mr. Callahan's immediate release on bond because he has already served his legal Guideline sentence; and

Such other relief as is appropriate.

Dated: June 17, 2019

Respectfully submitted,

/s/

Andrew J. Frisch
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To: Office of the United States Attorney
Eastern District of New York